

REMARKS

Claims 1-30 are pending in the present patent application. Claims 1-15 and 19-30 stand rejected; and claims 16-18 stand objected to. By this Amendment, claim 16 has been amended. This application continues to include claims 1-30.

The Examiner has objected to claims 16-18 as being dependent upon a rejected base claim, but has indicated that claims 16-18 contain allowable subject matter, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowability regarding claims 16-18.

Applicants have so amended claim 16, and accordingly believe claims 16-18 to be in condition for allowance. Accordingly, Applicants respectfully request that the objection to claims 16-18 be withdrawn.

Claims 1, 2, 5-7, 9, 10, 21-25, and 28-30 were rejected under 35 USC §102(b) as being anticipated by Hughes, U.S. Patent No. 6,636,509 B1 (hereinafter, Hughes). Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5-7, 9, 10, 21-25, and 28-30 in view of the following.

Hughes is directed to internetworking systems, and in particular, to managing traffic flow and quality of service in routers and switches (col. 1, lines 8-10). Hughes discloses that an incoming packet header 200 (FIG. 2) is parsed 300 to extract type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender (col. 4, lines 21-24). The extracted netID (AS number) indexes 310 a table 315 containing predetermined autonomous system labels corresponding to each unique netID (col. 4, lines 34-

36). Next, the AS label or, in the alternate, the netID, is combined 320 with TOS 210 to form an index to intra-switch TOS (IS-TOS) lookup table 325, which contains a limited set of internal TOS values; intra-switch TOS lookup table 325 maps multiple input TOS/AS label combinations to a single intra-switch TOS value (col. 5, lines 1-10).

Applicants believe that claims 1, 2, 5-7, 9, 10, 21-25, and 28-30 patentably define Applicants' invention over Hughes, for at least the reasons set forth below.

Applicants incorporate by reference herein their arguments as set forth in their previous Response, electronically filed July 18, 2006.

Claim 1 is directed to a method of processing data packets. Claim 1 recites, in part, receiving a plurality of the data packets at a selected node, and extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to said selected node.

Applicants respectfully submit that Hughes does not disclose, teach, or suggest receiving a plurality of the data packets at a selected node, and extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the selected node, for at least the reasons set forth in their previous Response, electronically filed July 18, 2006.

For example, in contrast to claim 1, Hughes discloses parsing type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender, which are not pertinent to the selected node.

In the Response to Arguments, it is asserted that the Hughes parser extracts only “packet address” and “TOS” fields, which are assertedly information pertinent to the selected node, with reliance placed on Hughes reference character 600 and Figs. 2 and 6.

Hughes discloses that a remapper 600 includes a parser 610 (col. 5, lines 51-52), and that incoming packets are parsed by parser 610 to extract the packet source address and TOS fields (col. 5, lines 65-66) (TOS = type of service – see Hughes column 3, line 38).

The Hughes packet address is a packet source address, which is clearly not pertinent to the selected node, as recited in claim 1.

With regard to the TOS field, Hughes discloses that TOS field is employed to form an index used to read an intra-switch TOS (IS-TOS) value from IS-TOS table 650, which is then used to control packet queuing (col. 6, lines 4-9).

Hughes also discloses an alternate embodiment wherein TOS 210 is used to form an index to intra-switch TOS lookup table 425 that is used to map multiple TOS/AS label combinations to a single intra-switch TOA value that is used to determine packet queuing (col. 6, lines 33-46).

In addition, Hughes discloses another alternate embodiment wherein a transformer 740 applies a selected function to the extracted TOS field to determine the IS-TOS values, which is then used to control packet queuing (col. 7, lines 25-28).

Thus, in each of the disclosed embodiments, the Hughes TOS field is used to control packet queuing, which is not pertinent to the selected node, but rather, pertains to the queuing of packets.

Accordingly, Hughes does not disclose, teach, or suggest extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the selected node, as recited in claim 1.

Claim 1 also recites, in part, generating a plurality of response data packets based on the pertinent information, wherein said extracting and generating steps are performed without use of a microprocessor.

Applicants respectfully submit that Hughes does not disclose, teach, or suggest generating a plurality of response data packets based on the pertinent information, wherein the extracting and generating steps are performed without use of a microprocessor, for at least the reasons set forth in their previous Response, electronically filed July 18, 2006.

In the Response to Arguments, it is asserted that Hughes discloses generating a plurality of response data packets based on the pertinent information of incoming packets, with reliance placed on Hughes at column 5, lines 65.

At column 5, lines 65-66, Hughes discloses that “Incoming packets are parsed by parser 60 to extract the packet source address and TOS fields.”

Applicants respectfully submit that the packet source address and TOS fields disclosed by Hughes are not information pertinent to the selected node for at least the reasons as set forth above with respect to the previously addressed clause of claim 1.

In addition, the relied-upon Hughes passage simply does not in any way disclose, teach, or suggest generating a plurality of response data packets based on the packet source address and TOS fields. Rather, the relied-upon Hughes passage simply indicates that the packet source address and TOS fields are parsed.

Accordingly, Hughes does not disclose, teach, or suggest generating a plurality of response data packets based on the pertinent information, wherein the extracting and generating steps are performed without use of a microprocessor, as recited in claim 1.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP 2131).

Since each and every element as set forth in claim 1 is not found, either expressly or inherently described in the Hughes reference, Applicants respectfully submit that Hughes does not anticipate claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claim 1. Applicants thus respectfully request that the rejection of claim 1 under 35 USC §102(b) be withdrawn.

Claims 2, 5-7, 9, and 10 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 1. In addition, claims 2, 5-7, 9, and 10 further and patentably define the invention over Hughes.

For example, claim 2 is directed to the method of claim 1, wherein said extracting and generating steps are performed without use of a storage memory.

As set forth in Applicants previous Response, electronically filed July 18, 2006, Hughes discloses using a switch memory (col. 4, lines 33-36), and hence, does not disclose, teach, or suggest wherein the extracting and generating steps are performed without use of a storage memory.

In the Response to Arguments, it is asserted that extracting and generating steps implemented in a parser and combiner do not need a memory, and that a memory is used in the output queues.

Without regard to whether a parser and combiner need a memory, Applicants respectfully submit that Hughes simply does not disclose, teach, or suggest the specific limitation recited in claim 2, being that the extracting and generating steps are performed without use of a storage memory.

Accordingly, claim 2 is believed allowable in its own right.

Claim 21 is directed to a data packet communication device. Claim 21 recites, in part, a filter device configured to receive a plurality of data packets and identify only pertinent information in said data packets while ignoring non-pertinent information from said data packets; and a packet generator configured to generate a plurality of response data packets based on the pertinent information.

As set forth in the rejection of claim 21 and in the Response to Arguments, the rationale for rejecting claim 21 is the same as that for rejecting claim 1.

Hughes does not disclose, teach, or suggest the subject matter recited in claim 21 for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claim 21.

Applicants thus respectfully request that the rejection of claim 21 under 35 USC §102(b) be withdrawn.

Claims 22-25 and 28-30 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 21. In addition, claims 22-25 and 28-30 further and patentably define the invention over Hughes.

For example, claim 23 is directed to the device of claim 22, wherein each of said filter device and said packet generator is memoryless.

Claim 23 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 2.

Claim 29 is directed to the device of claim 21, wherein said packet generator comprises an N to M decoder.

Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter recited in claim 29 for at least the reasons set forth in their previous Response, electronically filed July 18, 2006.

In the Response to Arguments, it is asserted that a decoder is a hardware device or software that converts coded data back into its original form, and that it is therefore inherent that Hughes combiner 630 (Fig. 6) converts N inputs into M outputs.

However, Hughes does not disclose, teach, or suggest that combiner 630 is a packet generator, much less a decoder, or that combiner 630 performs the functions of a decoder.

Rather, Hughes discloses that combiner 630 is used to combine an AS label with the TOS field to form an index that is subsequently used by remapper 540 to read the intra-switch TOS value (col. 6, lines 4-6).

Accordingly, claim 29 is believed allowable in its own right.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claims 1, 2, 5-7, 9, 10, 21-25, and 28-30, and thus respectfully request that the rejection of claims 1, 2, 5-7, 9, 10, 21-25, and 28-30 under 35 U.S.C. 102(b) be withdrawn.

Claims 3, 8, 11-15, 19, and 20 were rejected under 35 USC §103(a) as being unpatentable over Hughes. Applicants respectfully request reconsideration of the rejection of claims 3, 8, 11-15, 19, and 20, and believe that claims 3, 8, 11-15, 19, and 20 patentably define Applicants' invention over Hughes, for at least the reasons set forth below.

Claim 3 is directed to the method of claim 1, wherein said selected node includes a peripheral device, the pertinent information being pertinent to said peripheral device.

Claim 3 is believed allowable due to its dependence on otherwise allowable base claim 1, since, as set forth above with respect to claim 1, Hughes does not disclose, teach, or suggest the subject matter of claim 1.

In addition, the Examiner acknowledges that Hughes is silent as to the subject matter recited in claim 3.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03) (Emphasis added).

However, as acknowledged by the Examiner, Hughes is silent as to the selected node including a peripheral device, the pertinent information being pertinent to said peripheral device, as recited in claim 3.



Accordingly, all the claim limitations are *not* taught or suggested by Hughes, and hence, under MPEP 2143.03, prima facie obviousness of claim 3 has not been established.

Accordingly, claim 3 is believed allowable in its own right.

Claim 8 is directed to the method of claim 7, comprising the further step of passing the packet payload to a peripheral device.

Claim 8 is believed allowable due to its dependence on otherwise allowable base claim 1, since, as set forth above with respect to claim 1, Hughes does not disclose, teach, or suggest the subject matter of claim 1.

In addition, the Examiner acknowledges that Hughes is silent as to the subject matter recited in claim 8.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03) (Emphasis added).

However, as acknowledged by the Examiner, Hughes is silent as to passing the packet payload to a peripheral device, as recited in claim 8.

Accordingly, all the claim limitations are *not* taught or suggested by Hughes, and hence, under MPEP 2143.03, prima facie obviousness of claim 8 has not been established.

Accordingly, claim 8 is believed allowable in its own right.

Claim 11 is directed to a packet communication system. Claim 11 recites, in part, a filter device connected to said peripheral device, said filter device being configured to receive a plurality of data packets and identify only pertinent information in said data packets while

ignoring non-pertinent information from said data packets, said pertinent information being pertinent to said peripheral device.

Hughes does not disclose, teach, or suggest identifying only pertinent information in the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the peripheral device for substantially the same reasons as set forth above with respect to claim 1.

In addition, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03) (Emphasis added).

However, as acknowledged by the Examiner, Hughes does not disclose, teach, or suggest a peripheral device.

Accordingly, all the claim limitations are not taught or suggested by Hughes, and hence, under MPEP 2143.03, prima facie obviousness of claim 11 has not been established.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claim 11. Applicants thus respectfully request that the rejection of claim 11 under 35 USC §103(a) be withdrawn.

Claims 12-15, 19, and 20 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 11. In addition, claims 12-15, 19, and 20 further and patentably define the invention over Hughes.

For example, claim 13 is directed to the system of claim 12, wherein said filter device is memoryless.

Claim 13 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 2.

Claim 15 is directed to the system of claim 11, further comprising a packet generator connected to said peripheral device and said filter device, said packet generator being configured to generate a plurality of response data packets based on said pertinent information.

Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter recited in claim 15 for at least the reasons set forth in their previous Response, electronically filed July 18, 2006.

As set forth in the Response to Arguments, the rationale in support of the rejection of claim 15 is the same as that for claim 1.

Applicants respectfully submit that Hughes does not disclose, teach, or suggest a packet generator being configured to generate a plurality of response data packets based on the pertinent information for substantially the same reasons as set forth above with respect to claim 1.

In addition, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03) (Emphasis added).

However, as acknowledged by the Examiner, Hughes does not disclose, teach, or suggest a peripheral device.

Accordingly, all the claim limitations are not taught or suggested by Hughes, and hence, under MPEP 2143.03, prima facie obviousness of claim 15 has not been established.

Claim 15 is thus believed allowable in its present form.

Claim 20 is directed to the system of claim 11, further comprising an interface interconnecting said peripheral device and said filter device.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03) (Emphasis added).

However, as acknowledged by the Examiner, Hughes does not disclose, teach, or suggest a peripheral device.

Accordingly, all the claim limitations are not taught or suggested by Hughes, and hence, under MPEP 2143.03, prima facie obviousness of claim 20 has not been established.

Claim 20 is thus believed allowable in its present form.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claims 3, 8, 11-15, 19, and 20, and thus respectfully request that the rejection of claims 3, 8, 11-15, 19, and 20 under 35 U.S.C. 103(a) be withdrawn.

Claims 4, 26, and 27 were rejected under 35 USC §103(a) as being unpatentable over Hughes in view of Ambe, U.S. Patent No. 6,876,653 B2 (hereinafter, Ambe). Applicants respectfully request reconsideration of the rejection of claims 4, 26, and 27 in view of the following.

Ambe is directed to a flexible filter processor architecture (col. 1, line 28). Ambe discloses an FFP 14 being essentially a state machine driven programmable rules engine (col. 21, lines 25-26). The actions taken by the filter are tag insertion, priority mapping, TOS tag insertion,

sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port (col. 21, lines 31-34).

Applicants believe that claims 4, 26, and 27 patentably define Applicants' invention over Hughes in view of Ambe, taken alone or in combination, for at least the reasons set forth below.

Claim 4 is directed to the method of claim 1, comprising the further step of transmitting a signal indicating that the response data packets should be sent.

Applicants respectfully submit that Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 4 for substantially the same reasons as set forth in Applicants' previous Response, electronically filed July 18, 2006.

For example, Hughes does not disclose, teach, or suggest the subject matter recited in claim 4, nor does the Examiner assert as much.

Rather, in the Response to Arguments, it is asserted that Ambe disclosing transmitting a signal indicating that the response data packets should be sent, with reliance placed on Ambe at column 21, lines 25-35.

However, in contrast to claim 4, Ambe discloses that actions taken by a filter are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port (col. 21, lines 31-34).

Although the Ambe disclosed actions include sending and forwarding the packet, such actions do not disclose, teach, or suggest transmitting a signal indicating that the response data packets *should be sent*, as recited in claim 4.

Rather, the Ambe disclosed actions include sending the packet without the separate act of sending a signal indicating that the packet *should be sent*.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (MPEP 2143.03) (Emphasis added).

However, Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest a signal indicating that the response data packets should be sent.

Accordingly, all the claim limitations are *not* taught or suggested by the prior art, and hence, under MPEP 2143.03, prima facie obviousness of claim 4 has not been established.

Accordingly, Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 4.

In addition, claim 4 is believed allowable due to its dependence on otherwise allowable base claim 1, since Hughes does not disclose, teach, or suggest the subject matter of claim 1 for substantially the same reasons as set forth above with respect to claim 1, and since Ambe does not make up for the deficiency of Hughes as applied to claim 1, nor does the Examiner assert as much. Rather, Ambe is relied on as assertedly disclosing the subject matter recited in claim 4.

Claim 4 is thus believed allowable in its present form.

Claim 26 is directed to the device of claim 21, wherein said filter device is configured to transmit a signal indicating that said response data packets should be generated.

Ambe and Hughes, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 26 for substantially the same reasons as set forth above with respect to claim 4.

In addition, claim 26 is believed allowable due to its dependence on otherwise allowable base claim 11, since Hughes does not disclose, teach, or suggest the subject matter of claim 21 for substantially the same reasons as set forth above with respect to claim 21, and since Ambe does not make up for the deficiency of Hughes as applied to claim 21, nor does the Examiner assert as much. Rather, Ambe is relied on as assertedly disclosing the subject matter recited in claim 26.

Claim 26 is thus believed allowable in its present form.

Claim 27 is directed to the device of claim 26, further comprising a protocol state machine configured for receiving the signal from said filter device and issuing a request to said packet generator to transmit said response data packets.

Claim 27 is believed allowable due to its dependence on otherwise allowable base claim 21 for substantially the same reasons as set forth above with respect to claim 26.

In addition, claim 27 is believed allowable due to its dependence on otherwise allowable intervening claim 26.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claims 4, 26, and 27, and thus respectfully request that the rejection of claims 4, 26, and 27 under 35 U.S.C. 103(a) be withdrawn.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the appended claims. The appended claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

/Paul C. Gosnell/

Paul C. Gosnell  
Registration No. 46,735

Attorney for Applicants

RKA14/ts

Electronically Filed: March 27, 2007

TAYLOR & AUST, P.C.  
12029 E. Washington Street  
Indianapolis, IN 46229  
Telephone: 317-894-0801  
Facsimile: 317-894-0803